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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,010	09/30/2003	Jian Hui Yang	20341-73107	4847
23643	7590	10/14/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			MCPARTLIN, SARAH B	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,010

Applicant(s)

YANG ET AL.

Examiner

Sarah B. McPartlin

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 8, 10 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

R 10/12/05

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

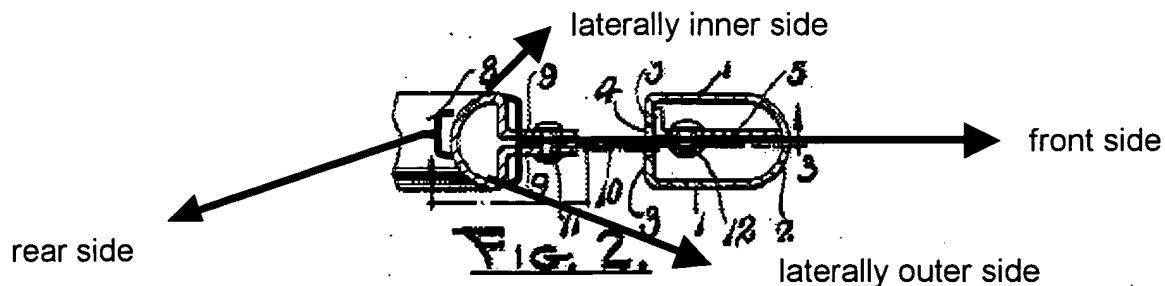
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnham (2,555,113). Burnham discloses a chair (Figure 1) comprising a seat (13), a tubular leg (8) coupled to the seat (13), the tubular leg (8) including a front side, a rear side, a laterally outer side, and a laterally inner side, the front and rear sides defining a depth of the leg (8), the laterally outer and laterally inner sides defining a width of the leg (8), the width being larger than the depth, one of the front side and the rear side being formed to include a bight extending longitudinally along the leg (8) to strengthen the leg, the front rear , laterally outer and laterally inner sides cooperating to define an open interior region there between without any web portions lying therein and interconnecting two or more of said sides, and wherein each of the laterally inner and laterally outer sides is semi-circular in cross-section, the front side is straight in cross-section and extends from the laterally inner side to the laterally outer side and the rear side extends from the laterally inner side to the laterally outer side and includes the bight. Please refer to the labeled figure below.



Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnham (2,555,113). Burnham discloses a chair (Figure 1) comprising a tubular front leg (1) and a tubular rear leg (8) coupled to the front leg (1), each leg including a front side, a rear side, a laterally outer side and a laterally inner side, the front and the rear sides of each leg defining a depth of the leg, the laterally outer and laterally inner sides of each leg defining a width of the leg which is larger than the depth of the leg in the case of the rear leg (8), the front side (2) of the front leg (1) being formed to include means for strengthening the front leg (1) in the formed of a convex outwardly protruding surface, the rear side of the rear leg being formed to include means for strengthening the rear

leg (8) in the form of a convex outwardly protruding surface, the front leg (1) strengthening means including only one bight extending longitudinally along the front leg (1) in the form of the forwardly protruding convex surface, the rear leg (8) strengthening means including only one bight, in the form of the rearward protruding convex surface extending longitudinally along the rear leg. Burnham discloses all claimed elements with the exception of a front leg that is wider than it is deep.

It would have been an obvious matter of design choice to modify the shape of the front leg to have a greater width than depth. The fact that the width of the leg is greater than the depth of the leg does not appear to solve any stated problem and it appears as if a leg with a greater depth than width would function equally as well.

Allowable Subject Matter

5. Claims 2-5, 8, 10 and 21-25 are allowed.

Response to Amendment/Arguments

6. The amendment filed on July 26, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

The arguments with respect to Christin are moot in view of the new grounds of rejection set forth above. Furthermore, the arguments with respect to Burnham as applied to claim 21 are moot in view of the indication of claim 21 as being allowable.

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBM
October 11, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600